



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



January 10, 2003

LETTER OF DEFICIENCY# WSEB 03-001
CERTIFIED MAIL# 7000 1670 0000 0585 7653

David Joubert
67 Middle Road
Wolfeboro, NH 03894

Subject: Tuftonboro - Joubert Septage Lagoons, Route 171
Groundwater Discharge Permit (DES #19805088-T-001)
Waiver Approval (DES-SEP-WV-02-003)

Dear Mr. Joubert:

On October 28, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of your septage lagoons located on Route 171 in Tuftonboro, NH. The purpose of the inspection was to determine whether lagoon operations were in compliance with the Groundwater Discharge Permit #19805088-T-001 ("GWDP") issued to you pursuant to NH Administrative Rule Env-Ws 1500, *Groundwater Discharge Permit and Registration Rules*, and successor rules and with the DES Waiver Approval #DES-SEP-WV-02-003, dated October 22, 2002.

The results of the inspection (Report# 0207) were sent to you under separate cover, dated November 8, 2002. The inspection identified the following deficiencies:

1. A third treatment lagoon, not covered by GWDP, has been constructed and placed into operation. This constitutes a violation of Env-Ws 1500.
2. The volume of septage discharged to the lagoons exceeded the annual volume allowed by the GWDP. This constitutes a violation of GWDP Condition #12.
3. The lagoon facility has been altered by adding a third treatment lagoon without receiving approval from DES. This constitutes a violation of GWDP Condition #14.
4. DES records show that the facility has not submitted "as-built" facility plans. This constitutes a violation of GWDP Condition #16.

DES believes the identified deficiencies can be corrected and future deficiencies prevented by taking the following actions:

- 1 **Immediately** cease use of lagoon #3; and
- 2 **By February 14, 2003**, submit to DES for review and approval a report that specifically identifies the actions you will take (or have taken) to insure that the volume of septage discharged to the lagoons does not exceed the annual permitted volume; and

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3. **By February 14, 2003**, submit to DES a complete set of "as built" plans of the site. If you would like DES approval for a third discharge point, include construction details for lagoon #3.

In addition, please note that Section IV of the Waiver Approval # DES-SEP-WV-02-003, which allows the septage lagoon operations to continue without a permit, requires that all lagoon operations be performed in accordance with the GWDP. As such, failure to correct the deficiencies in accordance with the requirements of this Letter of Deficiency may result in the revocation of the Waiver Approval.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

All correspondence as requested above should be addressed as follows:

Mitchell D. Locker
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Mitchell Locker by e-mail at mlocker@des.state.nh.us or by phone at (603) 271-2858, if you have any questions regarding this letter.

Sincerely,

COPY

Anthony Giunta, P.G., Administrator
Water Supply Engineering Bureau

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cc: Gretchen Rule, DES Legal Unit
Richard Flanders, WWEB
Brandon Kernan, WSEB
David Senecal, Town of Tuftonboro Health Officer